

Special Education Frequently Asked Questions

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Important Links:

Article 7: <http://www.doe.in.gov/sites/default/files/individualized-learning/art7.pdf>

Complaints: <http://www.doe.in.gov/improvement/legal/special-education-complaints>

Due Process: <http://www.doe.in.gov/improvement/legal/special-education-due-process>

GED: http://www.in.gov/dwd/adulted_ged_testing.htm

Homeschool: <http://www.doe.in.gov/student-services/home-school>

Section 504: <http://www.ed.gov/about/offices/list/ocr/504faq.html#interrelationship>

Special Education Director List: <http://www.doe.in.gov/achievement/individualized-learning/office-special-education-contact-information>

Navigating the Course: <http://www.doe.in.gov/sites/default/files/individualized-learning/navigatingthecourse.pdf>

ISTEP/IMAST/ISTAR/ISTAR-KR/IREAD 3: <http://www.doe.in.gov/achievement/assessment>

Accommodations

Q: What are accommodations?
A: Accommodations allow a student to have certain resources at his/her disposal that assist in how the student learns without changing what is being taught or tested. An accommodation is “intended to reduce or eliminate the effects of a student’s disability.” It does not reduce what the student is expected to learn. (Examples: extra time for testing, portions of a test read aloud, desks near the front of the room, etc.)
Q: A student needs accommodations in the classroom using equipment provided by the school. Is it possible to also use the equipment at home?
A: The decision is made by the case conference committee as stated in Article 7, 511 IAC 7-36-7.
Assessment
Q: What is an assessment?
A: An assessment is the way in which a school gathers and interprets information regarding a student’s cognitive, academic, social, emotional, behavioral or functional performance at school. Examples of assessments are as follows: behavior charts, informal tests, interviews, observations, etc.
Behavior Plan
Q: What is a behavior plan?
A: The case conference committee (CCC) develops a behavior plan to address specific patterns of behavior. Behavior plans are incorporated into a student’s individualized education program (IEP). They typically use positive interventions and strategies to address the patterns of behavior.

Case Conference	
Q:	What is a case conference committee (CCC)?
A:	The case conference committee (CCC) is a group of persons, including parents and public agency (school) personnel, responsible for developing, reviewing and revising a student's individualized education program (IEP) or transition IEP (511 IAC 7-42-3 of Article 7). Other people who may attend a CCC meeting include, but are not limited to, advocates, doctors and other agency personnel that are likely to be fiscally responsible for transition services if applicable.
Q:	What is a case conference committee meeting?
A:	The CCC meeting is where the review or revision of a student's IEP or transition IEP occurs. The IEP is created by school personnel prior to the meeting.
Q:	What if a parent is unable to attend a CCC meeting at the scheduled time?
A:	A CCC meeting can be rescheduled to a date and time that is convenient for all participants. (511 IAC 7-42-3 of Article 7) However, a CCC meeting can only be rescheduled three times to accommodate the parent(s), after which the school will be permitted to hold the meeting without the presence of the parent(s).
Q:	Who can the school invite to the CCC meeting?
A:	Participants listed in 511 IAC 7-42-3 of Article 7 must be invited to the CCC meeting. However, the school can then invite any additional potential participants they feel will provide beneficial information at the CCC meeting. A list of those additional potential participants must be created and sent to the parent or guardian of the student for approval prior to the meeting.
Q:	Can I request a case conference committee meeting more than once a year?
A:	Yes, a parent or guardian may request a CCC meeting at any time.

Case Load
Q: How many students can be assigned to one teacher?
A: Article 7 does not specify a number of students that each teacher (special education or general education) is permitted to have in his/her classroom. The rule simply states that a teacher may only be assigned a “case load” that allows for the specifications of each individualized education program (IEP) to be met. (511 IAC 7-32-13 of Article 7)
Certificate of Completion/Diploma
Q: What is a diploma?
A: A diploma signifies that a student has completed his/her high school career by taking and passing required courses, meeting the required academic standards and meeting graduation requirements. All students pursuing a diploma must meet these requirements. There are four different types of diplomas. Please visit http://www.doe.in.gov/core40/diploma_requirements.html for specific information regarding each diploma.
Q: What is a certificate of completion?
A: As desirable as the diploma is, some students find the diploma an unrealistic goal and will conclude their high school career with a certificate of completion. A certificate of completion is not an academic credential—there are no state course or grade requirements necessary to earn a certificate of completion. A student successfully working toward his/her IEP goals is generally eligible to receive a certificate of completion.
Q: If a student receives a certificate of completion, can he/she return to high school and earn a diploma?
A: Students who receive a certificate of completion may later decide to return to high school and earn a diploma. Students with IEPs can attend high school until they turn 22 years of age or have earned a high school diploma, whichever occurs first.

Complaints/Due Process	
Q:	What is a complaint?
A:	A complaint is a written and signed allegation of the violation of state or federal laws that apply to special education programs. It is submitted to the DOE legal division for investigation.
Q:	Who can file a complaint?
A:	Any individual, group of individuals, agency, or organization may file a complaint alleging violations of federal or state laws that apply to special education programs.
Q:	How do I file a complaint?
A:	A complaint form must be completed and submitted to the DOE legal division. The complaint must allege that the violation occurred within one year of the date the complaint is received by the DOE. All rules and regulations in regards to filing a complaint can be found in section 511 IAC 7-45-1 of Article 7. (A link to the complaint form is listed on page 1 of this document.)
Q:	What is a due process hearing?
A:	A due process hearing is initiated by a parent, public agency or state educational agency. It occurs when there is a dispute regarding a student's eligibility for special education services, the student's evaluation, the student's current level of services/ placement or any other occurrence that affects the provision of a free and public education (FAPE) to the student.
Q:	How do I request a due process hearing?
A:	A due process hearing request must be submitted in writing to the state superintendent of public instruction and the opposing party. The due process hearing request must allege a violation that occurred not more than two years prior to the date the parent or public agency filed the request for a due process hearing. The exact details of the request are listed in section 511 IAC 7-45-3 of Article 7.

Educational Surrogate Parent
Q: Where is information about educational surrogates in Indiana located?
A: Local special education directors can be contacted for this information. The local education agency (LEA) is responsible for appointing an educational surrogate parent (ESP) for a student who meets the criteria listed in Rule 39 of Article 7. (A link to the list of special education directors is listed on page 1 of this document.)
Extended School Year (ESY)
Q: What is an extended school year and who qualifies for these services?
A: Extended school year (ESY) provides special education and related services to a student during times when other children are not in school (i.e. summer and holiday/seasonal breaks). The need for ESY services is decided by the case conference committee.
Evaluations
Q: How does a parent request an initial evaluation for a student to receive special education services?
A: A parent can request that the LEA conduct an initial evaluation verbally or in writing.
Q: How does the LEA request an initial evaluation for a student to receive special education services?
A: The LEA must obtain written permission from the parent to conduct an initial evaluation for a student to receive special education services.
Q: Can a parent ask that the student be re-evaluated?
A: Parents may request a re-evaluation at any time by contacting the LEA. Parents may also request an independent evaluator to conduct the evaluation. Parents are only allowed one independent evaluation at the LEA's expense per evaluation conducted by the LEA.

FAPE
Q: What is FAPE?
A: 'FAPE' is an acronym meaning Free and Appropriate Public Education. Every student in the state of Indiana has the right to a free and appropriate public education.
Graduation
Q: A student has become unsuccessful in his/her attempt to earn a GED. What services are available to assist in earning his/her GED?
A: If the student had an individualized education program (IEP) in high school, the student is eligible for services until he/she turns 22 years of age. Please contact the special education director serving the school district or high school the student attended for further assistance.
Q: What services are available for a student who is 22 years of age or older and wishes to take a GED test?
A: If a student is 22 years of age or older, he/she will need to contact the Adult Education Department at (317) 234-7746.
Homebound
Q: Does the school need to provide a certified teacher for homebound students?
A: Yes, the school is required to provide a certified teacher. (Article 7, IAC 7-42-11)
Q: How often must the case conference committee (CCC) meet regarding homebound students?
A: The CCC must meet every sixty (60) instructional days for homebound students. (Article 7,511 IAC 7-42-11)
Homeschooling
A: Please use the link provided to find information regarding homeschooling. http://www.doe.in.gov/sservices/homeschool/

Individualized Education Plan (IEP)
Q: What is an IEP?
A: An IEP is the written plan that describes how a student will participate in the general education curriculum (if appropriate). It also identifies the special education and related services that the school will provide to the student. The IEP is created by the case conference committee (CCC) and is discussed at the CCC meeting with the parent.
Q: What is the timeline for getting a student evaluated for a disability?
A: Parents, teachers or other school officials who suspect that a student may have a disability must request that a student be evaluated by the CCC. The public agency has fifty (50) days to conduct the evaluation once the parent(s) have given consent.
Q: How long does a school have to create and implement an IEP for a student who had been receiving services at a school he/she had previously attended?
A: The student's new school must hold a CCC meeting within ten (10) instructional days of the student's enrollment date (Article 7, 511 IAC 7-42-5).
Q: What if parental consent is not given for evaluation of services?
A: If parental consent is not given for evaluation, the local education agency (LEA) does have the authority to use the due process procedures to seek an order from a hearing officer requiring an evaluation. LEAs should use this authority sparingly.
Q: What if parental consent is not given for the providing of services?
A: If parental consent is not given for services, no special education services may be provided. The right of a parent to decide what educational services their student receives cannot be overturned by due process procedures.

<p>Q: What should be included in the IEP?</p> <p>A: The IEP must include a description of your child's present educational performance, a statement of measurable annual goals and short term objectives to help your child to progress in the general curriculum and meet the other needs that result from his or her disability, a statement of the special education and related services that will be provided to your child, and an explanation of why your child is not in a general education setting. If your child is over fourteen, the IEP must also include an outline of transitional services that will be provided to help your child prepare for life after school.</p>
<p>Placement</p>
<p>Q: Can a student be placed in a different district if his/her current district makes changes to the services offered to the student?</p> <p>A: A student can be placed in a new school or district if his/her current district can no longer meet his/her educational needs. The placement should be a logical conclusion of the data that were collected and articulated in the individualized education program (IEP).</p>
<p>Private School</p>
<p>Q: What rights do students with disabilities and their parent(s) have when voluntarily enrolling in private school?</p> <p>A: Students with disabilities who attend a private school have the right to evaluation, special education and related services from the local educational agency (LEA) with jurisdiction over the district in which the private school is located. Such special education and related services must be equitable to what is provided to the LEA's public school students. The LEA must consult with representatives of the parents and the private schools to ensure the design and delivery of evaluations and services meet the student's needs.</p>
<p>Q: What are the obligations of the LEA in providing services to students enrolled in private school by their parent(s)?</p> <p>A: LEAs are required to provide special education and related services for students with disabilities enrolled in private school by their parent(s). The LEAs can provide services such as professional development for teachers, physical therapy, occupational therapy and educational materials in specialized formats. Special education and related services may be provided to students with disabilities on the premises of private schools or, when appropriate, at a location and in a manner deemed appropriate by the LEA in consultation with representatives from the private school and the parent(s). Special education and related services must be provided by employees of a public agency or through contract by the public agency with another entity. Special education and related services must be secular, neutral and non-ideological.</p>

Procedural Safeguards
Q: What rights do parents have?
A: Parents have the right
1. To be fully informed,
2. To participate in the process,
3. To receive prior notice and provide consent,
4. To have any information that could personally identify the student held in confidence,
5. To examine all relevant records and
6. To a timely and impartial resolution of disputes.
Q: Where can parents get a copy of the Procedural Safeguards?
A: The school must provide parents with a copy of the Notice of Procedural Safeguards. Copies can also be found here: http://doe.in.gov/exceptional/speced/pub_ProcedSafeguard.html .
Record Retention
Q: How long are schools required to keep records?
A: The school must retain student records for three (3) years after a student exits the school.
Related Services
Q: What are related services?
<p>A: The term "related services" means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education. It includes the early identification and assessment of disabling conditions in children.</p> <p>Related Services include:</p> <ul style="list-style-type: none"> • speech-language pathology and audiology services • psychological services • physical and occupational therapy • recreation (including therapeutic recreation) • social work services • counseling services (including rehabilitation counseling) • orientation and mobility services • medical services (diagnostic and evaluation purposes only)

Revocation
Q: What happens if a student's parent wishes to discontinue special education services from being provided to the student?
A: A parent has the right to revoke consent for special education and related services in accordance with 511 IAC7-42-15 of Article 7.
Q: Can a parent revoke one special education service or does the parent need to revoke all services?
A: The parent must revoke all special education services being provided.
Response to Intervention (Rtl)
Q: What is Rtl?
A: Rtl is a system being used by the schools to screen and monitor the progress of all students. This system helps to identify students needing additional educational or behavioral support in order to succeed in the general education classroom.
Q: Can my child participate in this process without my knowledge?
A: The parent of a student who is participating in a process that assesses the student's response to scientific, research-based interventions must be provided with written notification. However, this only applies when a student requires an intervention that is not provided to all students in the general education classroom.
Section 504
Q: What is a Section 504 plan?
A: Section 504 provides appropriate educational services that meet the individual needs of students with disabilities in order to ensure that they are offered the same opportunities for a Free and Appropriate Public Education (FAPE) as students without disabilities. A 504 plan is an education plan created under the authority of Section 504 of the Rehabilitation Act of 1973. It is designed to create modifications and accommodations for students with special needs who are in a school's general education setting. For this reason, the 504 plan should not be confused with an IEP. Please call the Office for Civil Rights at (312) 886-2359.

Suspensions
Q: What is a suspension?
<p>A: A suspension is the removal of a student from an academic setting. However, an in-school suspension is not considered a removal if:</p> <ul style="list-style-type: none"> (1) The student is given the opportunity to continue working toward the general education curriculum. (2) The student is given the opportunity to continue working toward goals set in the student's individualized education program (IEP). (3) The student is participating with nondisabled students to the extent they would have in his/her regular classroom.
Q: Can my child get special education services after being suspended from school?
<p>A: A public agency is not required to provide services to a student with a disability during any of the first ten (10) cumulative instructional days of removal in a school year. However, when a student has been removed for more than ten (10) cumulative instructional days in the same school year that do not constitute a pattern, school personnel, in consultation with at least one (1) of the student's teachers, determine the extent to which services are needed to enable the student to do the following:</p> <ul style="list-style-type: none"> (1) Continue to participate in the general education curriculum in another setting. (2) Progress toward meeting the goals set out in the student's IEP.
*Please see Navigating the Course on page sixty-five (65) for detailed explanations of types of removals. A link to Navigating the Course is available on page one (1) of this document.
Transportation
Q: How can I get special transportation for my special needs child?
<p>A: The decision to provide special transportation is a case conference committee (CCC) decision and should be included in the student's individualized education program (IEP).</p>
Q: If a student is suspended from the bus is it considered a removal?
<p>A: If transportation is a related service in the student's IEP, the suspension will count as a removal unless the school provides the student with alternative transportation. If transportation is not a related service in the student's IEP, a suspension from the bus will not count as a removal.</p>

Q: If a student is suspended from the bus and the bus transportation is a related service in the student's IEP, is the school required to provide the student with another form of transportation?

A: If transportation is a related service in the student's IEP, the school must provide a different form of transportation to transport the student to and from school (i.e. van). An agreement can be made between the school and parent, authorizing the parent to bring the student to and from school. If this agreement is made, the school must then reimburse the parent for mileage at the same rate at which school employees are reimbursed.